

# FAREHAM

BOROUGH COUNCIL

## Minutes of the Licensing Panel

**(to be confirmed at the next meeting)**

**Date:** Tuesday, 10 December 2019

**Venue:** Collingwood Room - Civic Offices

**PRESENT:**

Councillor Michael Ford, JP (Chairman)

**Councillors:** I Bastable and Ms S Pankhurst



**1. LICENSING ACT 2003 - APPLICATION FOR PREMISES LICENCE - RANCHOS STEAK HOUSE, 109-111 WEST STREET, FAREHAM PO16 0AB**

At the invitation of the Chairman, the Panel was joined by the following persons:

Ms Olga Petrova – The Applicant

Mr Steven Ticker – Legal Representative for Ms Petrova

PC Vincent – Hampshire Police (Responsible Authority)

PC Rackham – Hampshire Police (Responsible Authority)

The Panel had before it a report by the Licensing Officer regarding an application for premises licence in respect of Ranchos Steak House, 109-111 West Street, Fareham PO16 0AB. The report contained the procedure for the hearing and advised members of the relevant representation received from Hampshire Police as a Responsible Authority. The report was circulated in advance of the meeting to panel members, the applicant and Responsible Authorities/interested parties that had made written representations.

With the agreement of Hampshire Police, character references were produced by the applicant and circulated to the Panel for consideration.

The application was heard in accordance with the Council's agreed Procedure for Hearings by the Licensing Panel and was considered as follows:

- (i) The Chairman of the Licensing Panel outlined the procedure to be observed and, having introduced the other Members of the Panel, invited Officers, the Applicant, the Applicant's legal representative and the representatives from the Responsible Authority to introduce themselves.
- (ii) The Licensing Officer presented a summary of the application and of the representation received.
- (iii) The Applicant was invited to confirm whether any modification was to be made to the application submitted. The Applicant confirmed that no modifications were to be made.
- (iv) The Chairman invited the Applicant, the Police and Members of the Panel to ask questions and seek clarification on points raised by the Licensing Officer.
- (v) The Applicant commented on the application and the representations made.
- (vi) The Chairman invited the Licensing Officer, The Police and Members of the Panel to ask questions and seek clarification on points raised by the Applicant.

- (vii) The Responsible Authority outlined and commented on their representations made in respect of the application.
- (viii) The Chairman invited the Licensing Officer, the Applicant and Members of the Panel to ask questions and seek points of clarification on points raised by the Responsible Authority.
- (ix) The Responsible Authority made a closing statement in respect of their representations made.
- (x) The Applicant made a closing statement in respect of the application.

The Licensing Panel then withdrew from the room to deliberate in private on the application. All parties were invited to return to the hearing when the Licensing Panel had completed its deliberations.

The Chairman announced that all parties would receive written notification of the decision and the reasons for it. The Chairman then read out the decision notice as follows:

The Panel has considered very carefully the application by Chicanos for a premises licence at Ranchos Steak House, 109-111 West Street, Fareham.

The Panel has given due regard to the Licensing Act 2003, the Licensing Objectives, statutory guidance and the adopted statement of Licensing Policy. Human Rights legislation has been borne in mind whilst making the decision.

It has paid due regard to all representations and evidence, both written and given orally, today and attached due weight accordingly in light of all the circumstances.

The only representation received was from the Police. The panel heard from Mr Ticker and Ms Petrova for the applicant and PC's Rackham and Vincent for the police.

Having heard all the evidence, and after much deliberation the Panel has determined to refuse the application.

### REASONS

The Panel noted that the police objection focussed on the licensing objectives of public safety, protection of children from harm and crime and disorder. The panel noted the concerns around fire safety but were satisfied with the evidence from Ms Petrova in this regard.

With regard to protection from children from harm there was one particular incident referred to which did cause the panel concern. However, no action was taken by the police and the panel was not in a position to consider this further.

As to the crime and disorder objective this was the main thrust of the police objection and caused the greatest difficulty for the panel. Whilst the panel accepted that Ms Petrova would have been under some pressure in dealing with the problems from the old company the failure to deal with the licence over such a long period of time could not be overlooked.

Whilst this may well have been an oversight there had been opportunities to put matters right at earlier stages. As a personal license holder and a former DPS Ms Petrova should have been well aware of what was required and what amounted to acting unlawfully. She and only she allowed unlawful sales of alcohol to continue for a 10-month period. The panel is not convinced that the situation would not have continued had the police not attended on an unrelated incident.

The panel did have sympathy with Ms Petrova's position but the failings and unlawful activity from someone who should have known better could not be overlooked.

The Chairman went on to advise that there is a right of appeal to the Magistrates' Court for all parties and formal written notification of the decision will set out that right in full.

RESOLVED that the application for premises licence be refused.

(The meeting started at 10.07 am  
and ended at 12.47 pm).